IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

WP(C).No. 26303 of 2006(F)

PETITIONERS:

1. PATHIRICODE HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD.NO.H.105, VADAKEVILA, BALARAMAPURAM, THIRUVANANTHAPURAM REPRESENTED BY ITS SECRETARY G.K.NANDINI.

2. VADAKKEVILA HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD.NO.3403, VADAKKEVILA, BALARAMAPURAM, THIRUVANANTHAPURAM REPRESENTED BY ITS SECRETARY SHYJU.R.V.

BY ADV. SRI.V.N.ACHUTHA KURUP (SR.)
SRI.K.G.RENGANATH
SRI.BINDU SREEKUMAR

RESPONDENTS:

1. KERALA LOK AYUKTA, THIRUVANANTHAPURAM.

2. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.

3. THE DIRECTOR, VIGILANCE & ANTI-CORRUPTION BUREAU, THIRUVANANTHAPURAM.

4. THE DIRECTOR OF HANDLOOMS & TEXTILES, VIKAS BHAVAN, THIRUVANANTHAPURAM.

5. N.VISWAMBHARAN, BEENA COTTAGE, KATTACHALKUZHI, BALARAMAPURAM, THIRUVANANTHAPURAM.

BY ADV. SRI.T.K.ANANDA PADMANABHAN
BY SR.GOVT. PLEADER SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/03/2007, ALONG WITH WPC NO. 24902 OF 2006 & CONNECT. CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.26303 OF 2006)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the Judgment in W.A.No.3679/2001 dtd.23.5.06.

Ext.P2: Copy of Govt.Order dtd.2.8.2006.

Ext.P3: Copy of order in W.P.(C) No.21063/2006 dtd.8.8.2006 of this Court.

Ext.P4: Copy of order in W.P.(C) No.22933/2006 dtd.25.8.06 of this Court.

RESPONDENTS' EXHIBITS:

Ext.R5(1): Copy of the Enquiry Report dtd.27.1.1988.

Ext.R5(2): Copy of the questionnaire raised in the floor of the Assembly dtd.21.7.92.

Ext.R5(3): Copy of the report issued by the Pallichal Grama Panchayat.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

W.P.(C) Nos.22933, 23995,24902, 26303 & 28272 OF 2006

Dated this the 21st day of March, 2007

J U D G M E N T

In these writ petitions, some Co-operative Societies are aggrieved by two simultaneous enquiries into the affairs of the societies, one as directed by this Court and the other by the Kerala Lok Ayukta. According to them, if these different enquiries on the same subject matter proceed simultaneously, it would cause much inconvenience to them and therefore, they seek a direction to declare that the enquiry ordered by the first respondent in the complaint filed by the fifth respondent-Sri.N.Viswambharan (6th respondent in W.P(C) 24902/2006) is illegal.

2. I have heard learned counsel for the petitioners as well as the learned Government Pleader. A similar writ petition came up for hearing before me which is W.P(C) No.3406 of 2007. In that case, I passed the following judgment:-

"The first petitioner is a union of workers of the second petitioner Society. They are aggrieved by Exts.P3 and P4 orders of the Kerala Lok Ayukta by which an enquiry by the Vigilance Department against certain Societies including the second petitioner Society have been directed. The petitioner's case is that this Court in W.A.No.3679/01 had directed the 4th respondent to conduct an enquiry on the same subject matter. The petitioners would submit that therefore, the Society would be put to difficulties, if two enquiries ordered by two authorities are simultaneously proceeded with.

2. I am not inclined to entertain this writ petition because since the 2nd petitioner Society was a party to Exts.P3 and P4 proceedings of the Lok Ayukta and since they were aware of the proceedings in W.A.No.3679/01 before this Court they could have informed this Court about Exts.P3 and P4 orders and obtain appropriate clarifications, if necessary by impleading themselves in the same.

The learned counsel for the petitioners would point out that Ext.P1 order was passed subsequent to Exts.P3 and P4 orders. Whatever that be, it would be open to the petitioners to move an appropriate petition either in W.A.No.3679/01 or before the Lok Ayukta pointing out that two simultaneous enquiries have been ordered by the two authorities and seek

> appropriate reliefs in either of the proceedings. Without prejudice to such right, the writ petition is disposed of as above."

Since the facts in this case are exactly identical, these cases also should be disposed of in terms of that judgment. Accordingly, it would be open to the petitioners to move an appropriate petition either in W.A.No.3679/2001 or before the Lok Ayukta pointing out that two simultaneous enquiries have been ordered by the two authorities and seeking appropriate reliefs in either of the proceedings. In order to enable the petitioners to do so, I direct that the interim stay granted by this Court shall continue to be in force for a period of three weeks.

The writ petitions are disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

K.THANKAPPAN, J

Crl.Appeal NO. OF 2001

J U D G M E N T

DATED:13-02-2007